

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Robert Cabacoff

v.

Case No. 23-cv-084-LM

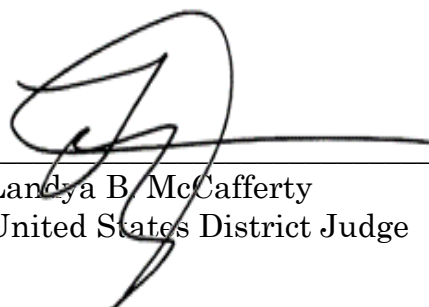
Federal Express Corporation-Ground

O R D E R

After due consideration of the objection filed, the court approves the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated July 11, 2023, and makes one clarification.

The court denies defendant's motion to dismiss (doc. no. 7) to the extent that Count I alleges that Cabacoff was not provided with a copy of his personnel file. The motion is granted in all other respects, with one clarification. Given Cabacoff's pro se status as well as his request in his complaint to "reserve[] the right to file an amended complaint" once he obtains "the bulk of the plaintiff's personnel records," (doc. no. 1-1 at 20), the court dismisses Counts II, III, and IV without prejudice to Cabacoff's right to amend his complaint. Any amended complaint must be filed on or before September 30, 2023. If Cabacoff does not file an amended complaint by that date, the court will dismiss Counts II, III, and IV of the complaint with prejudice. See Towle v. Ocwen Servicing, LLC, No. 15-cv-189-LM, 2015 WL 4506964, at *2 (D.N.H. July 23, 2015).

SO ORDERED.



Landya B. McCafferty
United States District Judge

August 31, 2023
cc: Robert Cabacoff, pro se
Counsel of Record